

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KELLY BOLDING, and MICHAEL
MANFREDI, individually and on behalf of
a class of all others similarly situated,

Plaintiffs,

v.

BANNER BANK, a Washington Corporation,

Defendant.

No. C17- 0601RSL

DECLARATION OF JUDI
BAGGARLEY IN OPPOSITION
TO PLAINTIFFS' PRE-
DISCOVERY MOTION FOR
COLLECTIVE ACTION
CERTIFICATION UNDER 29
U.S.C § 216(b) AND TO SEND
NOTICE TO THE CLASS

Note on Motion Calendar:
September 1, 2017

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I, Judi Baggarley, declare as follows:

1. **Identity of Declarant.** I am employed by Banner Bank in Spokane, Washington.

2. **Declarant's Responsibilities.** In my position as Senior Vice President of Talent

3. ***Familiarity with Business Records.*** In my capacity as Banner Bank's Senior

Banner Bank's Time and Pay Recording Policies

4. Banner Bank is a Washington-chartered commercial bank serving clients in

5. Banner Bank requires MLOs to sign a compensation plan at the start of his or her

1 Incentive Compensation Plan Document for Banner Bank, signed by Ms. Bolding on December
2 31, 2015. That plan, like the other MLO plans Banner Bank has used since at least 2014, states
3 that the MLO must accurately record all hours worked.

4 6. Banner Bank's employee handbook also contain information regarding Banner
5 Bank's requirement that MLOs accurately record their hours worked. Attached to this
6 Declaration as Exhibit B is a true and correct excerpted copy of Banner Bank's Employee
7 Handbook, dated January 28, 2014. In addition, attached as Exhibit C is a true and correct
8 excerpted copy of Banner Bank's Employee Handbook, dated June 23, 2015, which replaced the
9 2014 handbook. The June 23, 2015, Employee Handbook is the current version.

10 7. When new employees start at Banner Bank, it requires them to acknowledge the
11 employee handbook, which is available to employees online. Attached to this Declaration as
12 Exhibit D is a true and correct copy of Kelly Bolding's acknowledgment that she read and
13 understood Banner Bank's Employee Handbook, executed January 19, 2016.

14 8. While Banner Bank asks that MLOs obtain pre-approval before working overtime
15 hours, Banner Bank still pays MLOs for overtime even if it was not pre-approved. It is against
16 Banner Bank policy for a manager to falsify an MLO's timecard, and a manager may only
17 modify a time card if the employee provides his or her written permission.

18 9. Banner Bank has reinforced its time recording policies and procedures to MLOs
19 in various ways. For example, it is Banner Bank's practice for managers to remind MLOs from
20 time to time regarding Banner Bank's requirement to accurately record all of their hours. Those
21 reminders occur during meeting that managers hold with MLOs. In addition, Banner Bank sends
22 MLOs (and others) a reminder before the deadline to enter their time for a pay period, and the
23 reminder emphasizes that the MLO must accurately record his or her hours worked. Attached to
24 this Declaration as Exhibit E is a true and correct example of the reminder that Banner Bank
25 sends to MLOs (and other) regarding entering their time.

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11. Banner Bank immediately pays overtime for the pay period when it is reported at 1.5 times the employee's regular rate because the amount of commissions to be included in the regular rate is not calculated until the month after the sales occurred. Attached as Exhibit G to this Declaration is a true a correct copy of Kelly Bolding's November 25, 2015, Banner Bank wage statement that shows an example of that initial overtime payment.

13. Before approximately July 2016, Banner Bank manually performed the overtime calculations discussed above that incorporated commissions into the regular rate. Around July 2016, Banner Bank switched to an automated system. Attached to this Declaration as Exhibit F is a true and correct copy of the instructions that Banner Bank provided to its payroll provider, UltiPro, for automating the overtime calculations. Exhibit F also illustrates how Banner performed the manual overtime calculations before around July 2016. Employees' names have been redacted from Exhibit F to protect their privacy.

Executed at Spokane, Washington, August 21, 2017.

By Judi Baggarley

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Dated this 21st day of August, 2017.

CERTIFICATE OF SERVICE - 1
(C17-0601RSL)

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